

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

IN RE:	§	
	§	Case No. 23-20055
CHRISTOPHER DANIEL GARCIA	§	
Debtor	§	Chapter 13
	§	
CHACON AUTOS, LTD.	§	
Creditor	§	Hearing on Motion to Lift Stay:
	§	
vs.	§	
	§	
CHRISTOPHER DANIEL GARCIA	§	March 29, 2023 at 9:00 a.m.
Debtor	§	

**AMENDED MOTION FOR RELIEF FROM THE STAY [AND CO-DEBTOR STAY, IF  
APPLICABLE] REGARDING EXEMPT PROPERTY**

**THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN FOURTEEN DAYS AFTER THE FILING OF THIS MOTION AND YOU MUST ATTEND THE HEARING. THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT SENT LESS THAN FIVE BUSINESS DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON MARCH 29, 2023 AT 9:00 A.M. IN BANKRUPTCY COURTROOM AT 1133 N. SHORELINE BLVD, CORPUS CHRISTI, TX 78401. THERE WILL BE AN INITIAL HEARING ON MARCH 29, 2023 AT 9:00 A.M.. THE INITIAL HEARING WILL BE TELEPHONIC. PARTIES IN THE INTEREST MUST CONSULT JUDGE ISGUR'S PROCEDURES (AVAILABLE ON THE COURT'S WEB SITE) FOR DIALING INSTRUCTIONS.**

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: CHACON AUTOS, LTD.
3. Movant, directly or as agent for the holder, holds a security interest in a 2021 Hyundai Elantra, VIN # 5NPLN4AGXMH012277
4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is claimed as exempt by the debtor. Movant does not contest the claimed exemption.
5. Type of collateral: Car
6. Debtor's scheduled value of property: Debtor has not filed schedules.
7. Movant's estimated value of property: \$25,500.00.
8. Total amount owed to movant: \$26,091.10.
9. Estimated equity (paragraph 7 minus paragraph 8): \$0.00.
10. Total pre and post-petition arrearages: \$2,106.80.
11. Total post-petition arrearages: \$368.00.
12. Amount of unpaid, past due property taxes, if applicable: Not applicable.
13. Expiration date on insurance policy, if applicable: March 2022.
14.     X     Movant seeks relief based on the debtor(s)' failure to make payments. Debtor(s)' payment history is attached as exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.
15.     X    . Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required under the debtor's pre-petition contracts. In addition, Debtor has failed to provide proof of a valid Texas Driver license in order to legally operate the vehicle and therefore not necessary for an effective reorganization. Debtor has no equity.

16. If applicable: Name of Co-Debtor: \_\_\_\_\_.
17. Based on the foregoing, movant seeks termination of the automatic stay [and the co-debtor stay, if applicable] to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.
18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: email to debtor's attorney Marcus Oliva on March 8, 2023 at 3:22 pm. An agreement could not be reached. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two business days before this motion was filed.

Date: March 15, 2023

\_\_\_\_\_/s/ GAIL E. STOCK

Movant's counsel signature

Name: GAIL E. STOCK

State Bar No.: 05102400

S.D. Tex. Bar No.: 433938

Address: 5429 LBJ Freeway, Suite 300

Dallas, Texas 75240

Telephone: (214) 369-6422

Fax: (214) 369-9175

E-mail: gstock@jdlawtx.com

**CERTIFICATE OF SERVICE AND**  
**CERTIFICATE OF COMPLIANCE WITH BLR 4001**

A copy of this motion was served on the persons shown on Exhibit "1" at the addresses reflected on that Exhibit on March 15, 2023 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

\_\_\_\_\_/s/ GAIL E. STOCK

GAIL E. STOCK, Attorney for Movant